

1 **REMARKS**

2 These remarks follow the order of the paragraphs of the office action. Relevant portions of the
3 office action are shown indented and italicized.

4 ***DETAILED ACTION***

5 ***Response to Arguments***

7 *1. Applicants arguments filed 3/9/2006 have been fully considered but they are not
8 persuasive.*

9 In response, the applicants respectfully state that this '**Response to Arguments**' provides only
10 selective response to selected arguments made by applicants. There are many other valid
11 arguments made overcoming the CFR 102 and/or 103 rejections of claims 1-20. The Examiner is
12 requested to read and find acceptable all the arguments made to validate the claimed invention.
13 Additional amendments are made to independent claims 1 and 16 to quickly bring this application
14 to allowance.

15 *Applicant states that the rejection of claims 1, 8 and 16 "...is employing hindsight in
16 order to reject a claim. This is not permitted. But even with the hindsight it will be shown
17 that the cited reference does not anticipate the presently claimed invention.*

18 In response, the applicants respectfully state that hindsight is used to allegedly use the present
19 invention to interpret items in a cited reference as being equivalent to claim elements in order to
20 find elements anticipated or obvious. These equivalencies apparently only result from a reading of
21 the present invention.

22 *Independent claims 1, 8 and 16 are amended to better protect the invention.
23 The examiner is unaware as to how claims 1,8 and 16 could have been rejected
24 employing an obvious premised hindsight reconstruction given that the rejection is
25 anticipated under 35 U.S.C. 102(e).*

26 In response, the applicants respectfully state that hindsight is used in citing a reference not
27 concerned with browserless browsing in order to disallow claims for browserless browsing.

1 *Applicant argues, “Augenbraun employs a Web browser over and over.. Applicant*
2 *kindly offers a definition for "a browser" as "short for Web browser, is a software*
3 *application used to locate and display Web pages. With respect to Augenbraun, the*
4 *browser application, used to retrieve web pages, is located at the headend. The retrieved*
5 *information is converted to video and sent to the user. The browser application is not*
6 *used to display web page as required by Applicant’s own definition, Of course, the Web*
7 *page is ultimately displayed by the set top box, which receives data via the tuner(s). If*
8 *Applicant interprets any system that locates and displays Web pages to be “a browser,*
9 *then Applicant’s claimed invention is "a browser" and therefore the claims would not*
10 *enabled.*

11 In response, the applicants respectfully state that the office communication is apparently missing
12 the gist of the present invention. The office communication apparently ignores the novelty of
13 using the Web while being browserless. That in no way is meant to means that that there is no
14 browsing, but rather that browsing, web access, is achieved without using a “Web browser” , such
15 as is defined in:

16 [Http://www.uoguelph.ca/history/urban/glossary-01.html](http://www.uoguelph.ca/history/urban/glossary-01.html)

17 Web Browser

18 This is the software that allows a user to access and view HTML documents.
19 Examples of Web browsers include Mosaic, Cello and Lynx.

20 As stated in the title and the claims the present invention claimed in claims 1-4, 6-10, 12 and
21 16-18, provides a method and apparatus to browse the Web without using a “Web browser”.

22 *Applicant acknowledges that Augenbraun discloses and MPEG 1 or MPEG 2 encoder,*
23 *but then goes an to argue that “[i]t does not perform the function of, compressing video*
24 *data in accordance with a predetermined compression scheme and transmitting the*
25 *compassed data. Using an MPEG encoder is compression in accordance with a*
26 *predetermined compression scheme. Applicant’s own specification and dependent claim*
27 *12 define MPEG 2 as a predetermined compression scheme.*

28 In response, the applicants respectfully state that the statement “does not perform the function of,
29 compressing video data in accordance with a predetermined compression scheme and transmitting
30 the compassed data,” is meant in combination with the other steps, not performed or alluded to by
31 the cited art.

With respect to claims 5 and 11, Applicant states, "If putting voice or sound information associated with a webpage would have been advantageously combined with Augenbraun, Augenbraun should have referred to it. This is hindsight." This is completely incorrect. This is not hindsight. This is an officially noticed fact, which has not been traversed and now is now being treated as an admitted fact.

6 In response, the applicants respectfully state that the office communication is apparently
7 employing a tool for in establishing an officially noticed fact, which is indeed traversed and is now
8 not an admitted fact, regarding an invention for browserless browsing

*With respect to Applicant mention of hindsight, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicants disclosure, such a reconstruction is proper. See *in re McLaughlin* 443 F.2d 1392, 170 USPO 209 (CCPA 1971).*

The official notice of claims 13-15 and 19-20 has not been traversed now is now being treated as an admitted fact.

17 In response, the applicants respectfully state that the statement “if putting voice or sound
18 information associated with a webpage would have been advantageously combined with
19 Augenbraun, Augenbraun should have referred to it,” is indeed a traversal not an admitted fact.
20 applicants indicated that exception is taken with the many office communication comparisons of
21 the claims and the cited art, and made clear differentiation's of these rather than meaning to,
22 intending to, or actually admitting to any of the office communication comparisons. applicants
23 indeed do not make the noted admissions.

Claim Rejections -35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this sub-subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1 3. *Claims 1-4, 6-10, 12 and 16-18 are rejected under 35 U.S.C. 102(e) as being*
2 *anticipated by Augenbraun et al. (US Pat App Pub No 2005/0149981).*

3 As previously stated, applicants respectfully state that claims 1-4, 6-10, 12 and 16-18 are not
4 anticipated by Augenbraun. As claimed,

5 "[T]he present invention claimed in claims 1-4, 6-10, 12 and 16-18, provides a method
6 and apparatus to browse the Web without using a "Web browser". The application
7 server in a transmitting unit converts a web page transmitted from the Internet into video
8 data and provides links to the video data on the basis of the links provided to the web
9 page. In the video server of the transmitting unit , the video data transmitted from the
10 server is compressed by the MPEG2 encoders, and sent with information about the links
11 provided to the video data. A 'Set-Top Box', of the receiving terminal outputs the
12 received video data to a display, and establishes an association between the links provided
13 to the video data and a position of a cursor displayed on the screen of the display." Thus
14 with the invention claimed in claims 1-4, 6-10, 12 and 16-18, there is no "Web browser"
15 used for browsing the web.

16 The cited art of Augenbraun et al., US Patent Application 20050149981, was filed: July 7, 2005
17 and is entitled, "System and method for broadcasting web pages and other information." The
18 abstract reads, "A system and method for interactive broadcast of Internet web pages, or the like,
19 on dedicated downstream channels in a cable television system or the like facilitates hyperlinking
20 by a user from a broadcast television program to a web page, or between web pages, for example.
21 In one embodiment, each user's set top is programmed with channel mapping information that
22 maps each hyperlink request to a particular channel and time where the requested information is
23 being broadcast in a multiplexed information stream. In response to receipt of a hyperlink request
24 from a user actuating a remote control button, mouse or keyboard, the set top tunes to the
25 appropriate one of the downstream channels, and downloads the web page or other information.
26 In one embodiment to facilitate picture-in-picture capability using a single tuner, the tuner in the
27 set top briefly tunes away from the video program to the appropriate data channel for receiving
28 the hyperlink information. After the information associated with the hyperlink is downloaded and

1 stored in the set top, the tuner automatically tunes back to the video program. The user can then
2 interact with the hyperlink content and continue watching TV simultaneously. Alternatively, a
3 scaler application is provided in the headend that reduces the size of the video program or a
4 content related web page, for example, so that they can then be combined at the headend in a
5 picture-in-picture format." Thus Augenbraun et al., is concerned with facilitating hyperlinking by
6 a user from a broadcast television program to a web page(s), and is not concerned with Web
7 browsing without a browser.

8 Web browsing without a browser is not anticipated by Augenbraun, which uses a Web browser
9 over and over.

10 In what follows, the office action is apparently attempting to find some words used in both the
11 claims and a cited reference and declaring unambiguous equivalence and anticipation where such
12 an equivalence does not exist. This is employing hindsight in order to reject a claim. This is not
13 permitted. But even with the hindsight it will be shown that the cited reference does not
14 anticipate the presently claimed invention. Independent claims 1, 8 and 16 are amended to better
15 protect the invention for the applicant.

16 *In regard to claims 1 and 16, Augenbraun discloses a system and method for browsing
17 the Web on the Internet, using a broadcast system as illustrated by Figure 1.*

18 *The claimed limitation of "a transmitting unit for compressing video data in accordance
19 with a predetermined compression scheme and transmitting the compressed data" is met
20 by encoder 36 of Figure 2. The claimed limitation of "a receiving unit for receiving and
21 decoding the transmitted video data and transmitting the data to a video display device"
22 is met by Figure 3. The claimed steps of "converting a web page transmitted to the
23 transmitting unit from the Internet into video data", "compressing the video data in
24 accordance with the predetermined compression scheme and "transmitting the
25 compressed video data is met by Figure 2. An Internet session manager 30 is provided
26 which starts the browser applications 26 and a display manager 32. The browser
27 applications 28 and display manager 32 are interfaced to a communications manager 34
28 to facilitate downloading of the web pages to the system users. A video encoder 36, which
29 may be an MPEG 1 or MPEG 2 encoder, for example, is also preferably provided in the
30 headend 12 for encoding the web page bit map images before they are transmitted by the
31 distribution network 13 to the set tops 14. The encoder 36 is employed to reduce the
32 bandwidth necessary to transmit the data generated by the browser application 26, and to
33 generate, for example, an MPEG standard compliant video stream" (Paragraph 0026).
34 *The claimed step of receiving and decoding the transmitted video data using the**

1 *receiving unit to directly transmit the data to the video display device, without requiring*
2 *a browser application" is met by Figure 3. "With reference to FIG. 3, the details of one*
3 *of the set tops 14 are illustrated.*

4 *A tuner 40 is provided for receiving the digitally encoded or compressed video*
5 *programming and Internet-based information from the distribution network 13 on each at*
6 *the downstream channels 16, and selecting the one of the downstream channels 16 from*
7 *which information will be displayed on the television or monitor 20. From the tuner 40,*
8 *the selected information passes through a decoder 42 which restores the video*
9 *programming signals arid web page image data to their original form for display on the*
10 *television or monitor 20" (Paragraph 0031). The disclosed browser application is at the*
11 *headend. Nowhere in Figure 3 or the description of Figure 3 is a browser application*
12 *disclosed.*

13 In response, the applicants respectfully state that they take exception with the inferred equivalence
14 of claims 1 and 16 and the cited portions of Augenbraun. The combination of steps in claim 1 are
15 such as to permit web browsing without a browser. Besides, claims 1 and 16 are presently
16 further amended to add a step for "establishing an association between a link provided to the
17 video data and a position of a cursor in the video data transmitted to the video display device."
18 This is certainly not alluded to in the cited art. Augenbraun. doesn't have the word cursor, and
19 certainly not "a link provided to the video data and a position of a cursor in the video data
20 transmitted to the video display device," and most certainly not a step of "establishing an
21 association between a link provided to the video data and a position of a cursor in the video data
22 transmitted to the video display device. This is in the specification and other claims, but is
23 apparently totally ignored by the office communication.

24 A browser, short for Web browser, is a software application used to locate and display Web
25 pages. Augenbraun employs a Web browser over and over, referred to in Augenbraun as a
26 browser application, as is described in several places. For example in paragraph [0006, "[T]he
27 cable headend then retrieves the web page from the Internet, or from memory, with an **Internet**
28 **browser application** located in the headend, and downloads the web page to the user for
29 viewing. As an example, the user, who may be viewing a television advertisement for a particular
30 product, can thus hyperlink to a web page for that product with this system." This is apparently
31 providing the standard function of a web browser, executed by an MPU. The MPU sends selected
32 information to the transmitting unit via the communication device. The application server receives

1 the selected information from the receiving terminal, and requests the Internet to transfer a web
2 page. When the requested web page is transferred from the Internet to the application server, the
3 server sends the web page to the receiving terminal in the same manner as described above. This
4 is not and does not anticipate claim 1 or 16.

5 Claim 1 as further amended reads,

6 (1) A method for browsing the Web on the Internet, comprising using a browserless
7 broadcast system which includes:

8 a transmitting unit for compressing video data in accordance with a predetermined
9 compression scheme and transmitting the compressed data;

10 and a receiving unit for receiving and decoding the transmitted video data and directly
11 transmitting the data to a video display device, comprising the steps of:

12 converting a web page transmitted to the transmitting unit from the Internet into video
13 data;

14 compressing the video data in accordance with the predetermined compression scheme;

15 transmitting the compressed video data;

16 receiving and decoding the transmitted video data using the receiving unit to directly
17 transmit the decoded data to a video display device, without requiring a browser
18 application; and

19 establishing an association between a link provided to the video data and a position of a
20 cursor in the video data transmitted to the video display device.

21 So claim 1 shows that the decoder decodes the video data and is used for displaying the Web
22 page, without requiring a browser application.

1 A review of the cited reference indicates that the video encoder 36 of Augenbraun does not
2 perform the function of claim 1's transmitting unit. Augenbraun paragraph 0026, defines encoder
3 36 as, "[A] video encoder 36, which may be an MPEG 1 or MPEG 2 encoder, for example, is also
4 preferably provided in the headend 12 for encoding the web page bit map images before they are
5 transmitted by the distribution network 13 to the set tops 14. The encoder 36 is employed to
6 reduce the bandwidth necessary to transmit the data generated by the browser application 28, and
7 to generate, for example, an MPEG standard compliant video stream.". It does not perform the
8 function of, "compressing video data in accordance with a predetermined compression scheme
9 and transmitting the compressed data."

10 The referenced figures, although alluding to steps of converting, compressing transmitting and
11 receiving, but all these steps are performed requiring a web browser. The actions these do not
12 provide or perform the particular functions of converting, compressing transmitting and receiving
13 as stated in claim 1 above, which when performed in combination as specified perform Web
14 browsing without requiring a web browser [application]. These remarks made for claims 1 are
15 similarly applicable to claims 8 and 16. Thus claims 1, 8 and 16 are is not anticipated by and are
16 allowable over *Augenbraun*.

17 *In regard to claims 2 and 17, the claimed step of "providing a link to the video data on
18 the basis of a link provided to the web page" and "said step of transmitting the
19 compressed video data comprises transmitting the compressed video data and
20 information about the link" are met by the method performed by the web page generator
21 25 application browser 28 of Figure 2. "Preferably, additional data is added by the web
22 page generator 25 (or by a remotely located web page generator) to the usual encoded
23 image data to indicate relationships between the channels and which key sequences are
24 to be used to select which channels. This data comprises linkage commands that are used
25 to traverse the broadcast channels by menu instead of by channel, and to hyperlink to
26 web pages from hyperlinks embedded in the broadcast channels. Though similar to
27 tuning to a channel from a set top-resident channel guide, this differs in that the tuning
28 would not be to a channel, but to a content stream and would be more like hyperlinking
29 among web pages" (Paragraph 0024; Also see Paragraph 0023).*

30 As previously stated, applicants respectfully state that the applicants respectfully state that they
31 take exception with the inferred equivalence of claims 2 and 17 and the cited portions of

1 Augenbraun. The web page generator 25 of Augenbraun Figure 2, and described in paragraph
2 0024 apparently does not do the steps of claims 2 and 17. As indeed quoted above the web page
3 generator 25 is used to add additional data "to the usual encoded image data to indicate
4 relationships between the channels and which key sequences are to be used to select which
5 channels." The web page generator 25 apparently does not do "converting a web page" which
6 "comprises providing a link to the video data on the basis of a link provided to the web page, and
7 said step of transmitting the compressed video data comprises transmitting the compressed video
8 data and information about the link." The web page generator 25 apparently does not do any
9 transmitting. Thus claims 2 and 17 are not anticipated by the cited art. Furthermore, claim 2 is
10 dependent on claim 1, and claim 17 is dependent on claim 16, and are allowable over the cited art
11 in themselves and because each is dependent on an allowable claim.

12 *In regard to claims 3, 9 and 18, the claimed steps of extracting a web address linked to
13 the link provided to the web page and "placing the link in the video data on the basis of
14 the position of the link provided to the web page" are met by the method performed by
15 Figures 2-3. "To facilitate insertion of the linkage commands in the HTML web page
16 data, the web page generator is preferably provided with a plug-in referred to as a
17 linkage editor 29. The browser applications 26 are able to accept the linkage commands
18 and generate data in the broadcast stream that would specify to set tops 14 the linkage
19 commands on the current page" (Paragraph 0025). The terminal processor 44 is
20 interfaced to a channel mapping database 46 that is contained in a memory 48, and
21 stores channel mapping and hyperlink request identification information for any number
22 of user selectable channel hyperlinks or assessable web pages or sites. For example, the
23 user may actuate the hyperlink button on their remote controller 24 during a news,
24 weather or sports television broadcast, and the terminal processor 44 will access the
25 channel mapping database 46 to identify the hyperlink request, and determine on which
26 of the downstream channels 16, and in which time slot or PID, related Internet based
27 information (e.g., news! weather or sports web site) is being broadcast (Paragraph
28 0031). Where the hyperlink information is embedded in the broadcast based being
29 positioned on a webpage.*

30 In response, applicants respectfully state that the applicants respectfully state that they take
31 exception with the inferred equivalence of claims 3, 9, and 18, and the cited portions of
32 Augenbraun. The method performed by Figures 2-3 of Augenbraun, and described in paragraph
33 0025 and 0031 apparently does not function as or for "extracting a web address linked to the link
34 provided to the web page; and placing the link in the video data on the basis of the position of the
35 link provided to the web page," as in claims 3, 9, and 18. The cited method employs a browser

1 and is concerned with hyperlinks, nor is it concerned with placing any link in the video data on the
2 basis of the position of the link provided to the web page, as in these claims. Thus claims 3, 9, and
3 18 are not anticipated by the cited art. Furthermore, claim 2 is dependent on claim 1, and claim 9
4 is dependent on claim 8, and claim 18 is dependent on claim 16, and are allowable over the cited
5 art in themselves and because each is dependent on an allowable claim.

6 *In regard to claims 4 and 10, the claimed step of "decoding the received data" and
7 transmitting the decoded data to the video display device" are met by the method
8 performed by Figure 3. The claimed step of "establishing an association between the
9 information about the link provided to the received video data and a position of a cursor
10 in the video data transmitted to the video display device" is also met by Figure 3.*

11 *"The terminal processor 44 determines the identity of the hyperlink using the linkage
12 commands that are inserted by the linkage editor 29 at the headend 12. More
13 particularly, an input application 49 is run by the terminal processor 44 that processes
14 inputs received by the input receiver 45 by detecting when either the channel hyperlink
15 button on the keyboard 22 or remote controller 24 has been pressed, or when a hyperlink
16 button on a currently displayed image has been highlighted and selected by the user.
17 Once the hyperlink request and corresponding channel and time slot information have
18 been identified, the terminal processor 44 will then instruct the tuner 40 to switch to the
19 designated channel so that the requested information can be downloaded into the set top
20 14 for display by a terminal display manager 52 on the users television or monitor 20. A
21 cache 50 can be provided in the memory 48 for pre-storing downloaded information if
22 desired. To facilitate downloading of channel mapping and hyperlink request
23 identification information from the headend 12 to the channel mapping database 46, an
24 out-of-band tuner 54 can be provided that can also be used for transmission of signaling
25 information, as is conventional. Alternatively, the channel mapping and hyperlink
26 request identification information can be downloaded through one of the downstream
27 channels 16 for reception by the in-band tuner 40" (Paragraph 0032). The user selects
28 the highlights and selects the hyperlink of interest. The hyperlinks position is what
29 inherently differentiates one hyperlink from another.*

30 In response, applicants respectfully state that the applicants respectfully state that they take
31 exception with the inferred equivalence of claims 2 and 17 and the cited portions of Augenbraun.
32 The extensive reference above of Augenbraun is apparently not related to or anticipate claims 4
33 and 10. Augenbraun apparently indeed does not do the steps of claims 4 and 10. Augenbraun is
34 not concerned with any association, a cursor, establishing an association, a position of a cursor,
35 and certainly not with, "establishing an association between the information about the link
36 provided to the received video date and a position of a cursor in the video data transmitted to the

1 video display device, as in claims 4 and 10. The office action is attempting to find some words
2 used in both the claims and a cited reference and declaring an unambiguous equivalence where
3 such an equivalence does not exist.

4 Review of Fig. 3 does not allude to or anticipate the ““step of "establishing an association
5 between the information about the link provided to the received video data and a position of a
6 cursor in the video data transmitted to the video display device" is also met by Figure 3,”” as
7 stated in the office communication above. Augenbraun. doesn't have the word cursor, and
8 certainly not “a link provided to the video data and a position of a cursor in the video data
9 transmitted to the video display device,” and most certainly not a step of “establishing an
10 association between the information about the link provided to the received video data and a
11 position of a cursor in the video data transmitted to the video display device.

12 Thus claims 4 and 10 are not anticipated by the cited art. Furthermore, claim 2 is dependent on
13 claim 1, and claim 10 is dependent on claim 8, and are allowable over the cited art in themselves
14 and because each is dependent on an allowable claim.

15 *In regard to claim 6, the claimed steps of “sending link information to the transmitting
16 unit when any one link provided to the data transmitted to the video display device is
17 selected” and “transmitting a web page linked to the selected link from the Internet to the
18 transmitting unit” is met by Figure 3. “In the case of a two-way system, an upstream
19 transmitter 43 is also provided for transmitting hyperlink requests and other information
20 to the headend 12 via the upstream channel 17” (Paragraph 0030). “The terminal
21 processor 44 determines the identity of the hyperlink using the linkage commands that
22 are inserted by the linkage editor 29 at the headend 12. More particularly, an input
23 application 49 is run by the terminal processor 44 that processes inputs received by the
24 input receiver 45 by detecting when either the channel hyperlink button on the keyboard
25 or remote controller 24 has been pressed, or when a hyperlink button on a currently
26 displayed image has been highlighted and selected by the user. Once the hyperlink
27 request and corresponding channel and time slot information have been identified, the
28 terminal processor 44 will then instruct the tuner 40 to switch to the designated channel
29 so that the requested information can be downloaded into the set top 14 for display by a
30 terminal display manager 52 on the user's television or monitor 20. A cache 50 can be
31 provided in the memory 48 for pre-storing downloaded information if desired. To
32 facilitate downloading of channel mapping and hyperlink request identification
33 information from the headend 12 to the channel mapping database 46, an out-of-band
34 tuner 54 can be provided that can also be used for transmission of signaling information!
35 Alternatively; the channel mapping and hyperlink request*

1 *identification information can be downloaded through one of the downstream channels*
2 *16 for reception by the in-band tuner 40" (Paragraph 0032).*

3 In response, applicants respectfully state that the applicants respectfully state that they take
4 exception with the inferred equivalence of claim 6, and the cited portions of Augenbraun. The
5 extensive reference above of Augenbraun is apparently not related to or anticipate claim 6. It was
6 shown that Augenbraun does not have a unit performing functions of equivalent to the functions
7 of the transmitting unit in claims 1, 4 and 6. Thus Augenbraun does not do the steps of claim 6.
8 Thus claim 6 is not anticipated by the cited art. Furthermore, claim 6 is dependent on claim 4, and
9 claim 4 is dependent on claim 1, and is allowable over the cited art in itself and because it is
10 dependent on an allowable claim.

11 *In regard to claims 7 and 12, the reference discloses that the compression scheme may*
12 *be MPEG-2 (Paragraph 0026).*

13 In response, applicants respectfully state that claim 7 provides claim differentiation. Claim 7 is
14 dependent on claim 1, and is allowable over the cited art because it is dependent on an allowable
15 claim.

16 *Claim 8 is met by that discussed for claims 1 and 3.*

17 In response, applicants respectfully state that the applicants respectfully state that the remarks and
18 exceptions with the inferred equivalence of claims 1 and 3 are similarly applicable to claim 8. As
19 with, claims 1 and 16, claim 8 always had an element “means for establishing an association
20 between the link provided to the video data and a position of a cursor in the video data
21 transmitted to the video display device.” This is certainly not alluded to in the cited art.
22 Augenbraun. doesn’t have the word ‘cursor’, and certainly not a “link provided to the video data
23 and a position of a cursor in the video data transmitted to the video display device,” and most
24 certainly not a “means for establishing an association between the link provided to the video data
25 and a position of a cursor in the video data transmitted to the video display device”. This is in the
26 specification and other claims, but is apparently totally ignored by the office communication.

27 Thus claim 8 and all claims that depend thereupon are allowable over Augenbraun.

1 ***Claim Rejections -35 USC § 103***

2 *4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
3 obviousness rejections set forth in this Office action:*

4 *(a) A patent may not be obtained though the invention is not identically disclosed or
5 described as set forth in section 102 of this title, if the differences between the subject
6 matter sought to be patented and the prior art are such that the subject matter as a whole
7 would have been obvious at the time the invention was made to a person having ordinary
8 skill in the art to which said subject matter pertains. Patentability shall not be negatived
9 by the manner in which the invention was made.*

10 *5. Claims 5, 11, 13-15 and 19-20 are rejected under 35 U.S.C. 103(a) as being
11 unpatentable over Augenbraun et al.*

12 *In regard to claims 5 and 11, the reference discloses that the web page is converted to
13 an MPEG-2 stream. An MPEG-2 stream carries both video and audio information. The
14 reference silent with respect to any voice or sound information associated with the web
15 page being conveyed to the user. Official notice is take that is notoriously well known in
16 the art to present voice or sound information associated with a web page to a user so as
17 to provide the user with a more fulfilling experience with the web page. Consequently, it
18 would have been obvious to one of ordinary skill in the art to implement the reference
19 with presenting voice or sound information associated with a web page to a user for the
20 stated advantage.*

21 In response, applicants respectfully state that Augenbraun does not make claims 5 and 11
22 obvious. It was shown above that Augenbraun requires a web browser application whereas
23 claims 5 and 11 do not. If putting *voice or sound information associated with a web page* would
24 have been advantageously combined with Augenbraun, Augenbraun should have referred to it.
25 This is hindsight. Thus claims 5 and 11 are not made obvious by the cited art. Furthermore, claim
26 5 is dependent on claim 1, and claim 11 is dependent on claim 8, and are allowable over the cited
27 art in themselves and because each is dependent on an allowable claim.

28 *In regard to claims 13-15 and 19-20, the reference is silent with respect to the method
29 and system being embodied by computer readable code or program of instructions.
30 Official notice is taken that is well known in the art to embody methods and system by
31 computer readable code or program of instructions so as to increase efficiency.
32 Consequently, it would have been obvious to one of ordinary skill in the art to implement
33 the reference with embodying the method and system by computer readable code or
34 program of instructions for the stated advantage.*

1 In response, applicants respectfully state that claims 13-15 and 19-20, are Beauregard type claims.
2 These protect the invention from those that make media etc., which provide a user with means to
3 implement the methods and apparatus of the present invention. Although it may indeed be known
4 that media can be provided to perform methods and apparatus, these ‘software’ type serve a very
5 significant purpose for protecting the invention. Claims 13-15 and 19-20, are each dependent on
6 allowable claims and are allowable over the cited art.

7 It is anticipated that this response brings all claims 1-20 to allowance. If any questions remain,
8 please call the undersigned representative.

9 Please charge any fee other than the fee to revive, necessary to enter this paper to deposit account
10 50-0510. A credit card payment for the fee to revive is included herewith.

11 Respectfully submitted,

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